IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

CRP.No. 422 of 2007()

SM.1228/1977 of TALUK LAND BOARD, PALAKKAD
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REVN. PETITIONERS: PETITIONERS
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1. SIVAGNANAM, S/O VAYYAPURI UDAYAR,
PANANTHODY, POLPULLY P.O., PALAKKAD.

2. RAJAGOPALAN, S/O.VAYYAPURI UDAYAR,
PANANTHODY, POLPULLY P.O., PALAKKAD.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS: RESPONDENTS
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1. THE STATE OF KERALA REP.BY THE
CHIEF SECRETARY TO GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE TALUK LAND BOARD,
PALAKKAD, REP.BY ITS CHAIRMAN.

3. THE TAHSILDAR, PALAKKAD TALUK.

4. SIVABHAGYAM AMMAL,
W/O.N.VENKITACHALAPAHY UDAYAR, RESIDING AT
PANANTHODY, POLPULLY P.O., PALAKKAD.

5. SAROJA AMMAL,
W/O.VENUGOPALAN, RESIDING AT COOLIMUTTAM,
POLPULLY P.O., PALAKKAD.

6. SIVABHAKTHI AMMAL,
W/O.NARAYANANSWAMY UDAYAR, RESIDING AT
5/410, CHITHRA, ALAMPALLAM ROAD, TARANGAR,
CHANDRANAGAR, PALAKKAD.

BY GOVERNMENT PLEADER SMT.R.BINDU FOR R1 TO R3

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 09/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON IA 1171/07 IN CRP 422/07

DISMISSED

SD/- M.N.KRISHNAN,JUDGE.

9/10/2007

M.N.Krishnan, J.

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C.R.P.No.422 of 2007

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Dated this the 9th day of October, 2007.

ORDER

This revision is preferred against the order of the Taluk Land Board, Palakkad in S.M.No.1228 of 1977. It was a matter that was remanded to the Land Tribunal for consideration in the light of the judgment of this Court in C.R.P.No.2433 of 2000. The Taluk Land Board had very clearly stated that the remand is to consider the effect of the residuary clause in the partition deed in the family and conversion of standard acres. But instead of considering and construing the residuary clause what the Taluk Land Board has done is that there is a certificate of purchase in the name of Kaveri Ammal and therefore, the entire extent has to be taken into consideration. This is totally an erroneous approach, which requires immediate interference. Therefore I set aside the order of the Taluk Land Board.

2. The second question is regarding the computation of the property in the standard acres and the entitlement of the parties

to hold it under Section 82 of the Kerala Land Reforms Act. It is submitted that large extent of property had been gifted by the person to the grand-children and they are to be excluded in the light of the fact that they have been gifted before 11/1974 and then only the balance extent can be calculated for the ceiling limit and therefore for that extent the standard acres has to be calculated and worked out. It is also not properly done by the Taluk Land Board. Therefore, the order under challenge is set aside. I direct the Taluk Land Board to consider these points afresh as directed by this court in its earlier decision after hearing all concerned and pass appropriate orders. The Taluk Land Board shall fix a date of appearance and inform the parties accordingly.

Civil Revision Petition is disposed of as above.

M.N.Krishnan,
Judge.

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